



60 east 42nd street suite 1750
 new york, new york 10165
 t 212.297.0700 f 212.297.0730
 info@riemerlawfirm.com www.riemerlawfirm.com

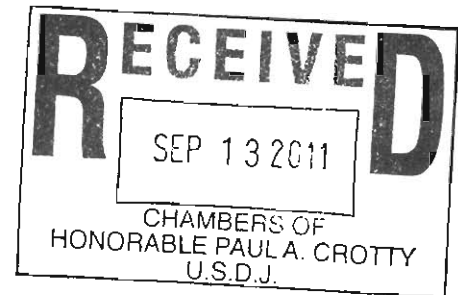
USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
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 DATE FILED: **19 SEP 2011**

September 13, 2011

BY HAND

Hon. Paul A. Crotty
 United States District Court
 500 Pearl Street, Room 20C
 New York, NY 10007-1312

9/14/11
There is no need for a conference or
has further worthy the Court has on this
truly minor matter Cobb's deposition
transcript (selected portions may) may be
designated as confidential
so ordered
Paul A. Crotty
U.S.D.J.



Re: Ahmad v. Hartford Life and Accident Insurance Company
10 CV 4545 (PAC)(MHD)

Dear Judge Crotty:

We are counsel to plaintiff in the above-referenced action. We write to request a pre-motion conference concerning a dispute between the parties regarding the Stipulated Protective Order Regarding Confidentiality of Discovery Material ("Protective Order") dated December 30, 2010. Specifically, the parties dispute whether portions of Johanna Cobb's ("Cobb") deposition transcript (Ex. A) should be designated as confidential pursuant to the Protective Order.

The parties have attempted to resolve the dispute in good faith by exchanging correspondences and discussing the issue in-depth during teleconferences, including a teleconference on September 8, 2011. Despite these efforts, the parties have been unable to resolve the dispute and seek the intervention of the Court.

1. The Protective Order

By way of background, the Protective Order provides narrow categories of documents (and information contained therein) deemed to be confidential pursuant to *Section 2: Designation of Discovery Materials as Confidential*. *Section 2(a)* further provides that "the burden of proving confidentiality of designated information remains with the party asserting such confidentiality."

2. The Parties' Positions

By letter dated August 16, 2011, Hartford requested to designate pages (page:line) 14:16-16:4 and 17:22-35:20 of Cobb's deposition transcript as confidential. In doing so, Hartford asserted that "[t]he testimony relates to confidential personnel reviews and also information regarding how Hartford's Special Investigation Unit is organized." Hartford further asserted that "[p]ublic disclosure of this information can be harmful to Hartford's obligations to maintain confidentiality of its employees' information and to its on-going fraud investigations."

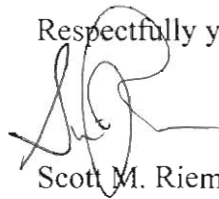
Hartford has not satisfied the burden of proving confidentiality of Cobb's testimony as

MEMO ENDORSED

instructed in *Section 2(a)*. Contrary to Hartford's assertion, Cobb's testimony was not based on any confidential documents. Cobb provided testimony regarding the non-confidential personnel reviews that Hartford produced in *Jacoby v. Hartford Life & Acc. Ins. Co.*, No. 07 Civ. 4627 (LAK)(RLE). Although Cobb's personnel reviews were gratuitously stamped "confidential," these documents are not confidential and are not subject to any confidentiality agreement or a protective order. Because these documents have been readily available in the public domain for over two years, and widely distributed on the internet, Hartford's assertion that the "disclosure of this information can be harmful" is without merit.

In fact, none of Cobb's testimony relied on confidential documents as all of the exhibits marked during her deposition were not confidential. Furthermore, the information within the pages Hartford requested to designate as confidential do not fall under the narrow categories of documents (and information therein) deemed to be confidential pursuant to *Section 2* of the Protective Order.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Scott M. Riemer", with a stylized flourish at the end.

Scott M. Riemer

cc: Michael Bernstein, Esq.